

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, and JAMES S.)
JORGENSEN, Administrator of the Funds,)**

Plaintiffs,

v.

**BENSON CONSTRUCTION COMPANY, an)
Illinois corporation, and)
MARK W. BERGLUND , individually,)**

Defendants.

Case No. 08 cv 2136

JUDGE ST. EVE

NOTICE OF VOLUNTARY DISMISSAL

NOW COME Plaintiffs, Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds, by and through their attorneys, Patrick T. Wallace, Jerrod Olszewski, Christina Krivanek, Amy N. Carollo, and Charles Ingrassia, and hereby file this Notice of Voluntary Dismissal dismissing this matter without prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

Date: July 1, 2008

Respectfully submitted,
Laborers' Pension Fund, et al.

By: /s/ Christina Krivanek

Office of Fund Counsel
Laborers' Pension and Welfare Funds
111 West Jackson, Suite 1415
Chicago, IL 60604
(312) 692-1540

CERTIFICATE OF SERVICE

The undersigned certifies that she served this Notice of Voluntary Dismissal by mailing a copy to the addressee below and depositing same in the U.S. Mail at 111 W. Jackson Blvd., Chicago, Illinois 60604 on July 1, 2008 with proper postage prepaid.

Benson Construction Co.
c/o Gene A. Eich
6032 N. Lincoln Avenue
Morton Grove, IL 60053

Mark W. Berglund
3128 N. Shoenbeck Road
Arlington Heights, IL 60004

/s/ Christina Krivanek

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ORDER

This matter having come to be heard on the Plaintiffs Notice of Voluntary Dismissal
dismissing this matter without prejudice pursuant to Fed. R. Civ. P. 41(a)(1);

IT IS HEREBY ORDERED that this matter is dismissed without prejudice.

ENTER:

The Honorable Judge Amy J. St. Eve
United States District Court Judge

Dated: _____